

Appl. No. 10/671,372
Reply to Office Action of November 4, 2005

REMARKS

Applicants appreciate the thorough examination of the application that is reflected in the Office Action dated November 4, 2005.

Applicants amend the preambles of claims 1, 7, 15 and 16 as requested by the Examiner. To expedite prosecution of this application, Applicants also amend independent claims 1, 7, 8, 13, 15, 16 and 17 to further clarify the claims. Applicants believe the foregoing amendments may be entered under 37 C.F.R. § 1.116(a) as presenting rejected claims in better form for consideration on appeal. Alternatively, to the extent any of these amendments are deemed to touch the merits, then entry is requested under 37 C.F.R. § 1.116(b). These amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action.

Claims 1-17 (17 total claims; 7 independent claims) remain pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim Rejections Under 35 U.S.C. 112, 2nd paragraph

The Office rejects claims 1, 7, 15 and 16 under 35 U.S.C. 112, 2nd paragraph as allegedly being indefinite.

The Office rejects claim 1 since the term “for” appearing in line 1 is allegedly unclear. Applicants respectfully disagree and submit that there is nothing indefinite about the term “for” which appears in the preamble “A transport for a rocket engine.” Nevertheless, to expedite prosecution, Applicants amend the preambles of claims 1, 7, 15 and 16 as requested by the Examiner. Applicants submit that these amendments in no way change the scope of claims 1, 7, 15 and 16. In view of these amendments, Applicants submit that the rejection of claims 1, 7, 15 and 16 under 35 U.S.C. 112, 2nd paragraph is moot and should be withdrawn.

Art-Based Rejections

The Office rejects claims 1-17 under 35 U.S.C. 102(b) as allegedly being anticipated by Morley et al. (USPN 3,038,614).

In rejecting claims 1-21 the Final Office states that:

“With regard to claims 1 & 15, Morley et al. disclose a transport comprising a trailer 10 tail support member 13, 14 having a notch for a pin 68,

Appl. No. 10/671,372

Reply to Office Action of November 4, 2005

and a chock assembly 12 which has a **chock 16, 17** pivotably coupled to a trolley 11, 23, 24.” See Final Office Action dated November 4th, 2005 at page 2; Emphasis added.

In an attempt to explain where the Morley et al. reference teaches the missing claim limitations (noted above), the Office asserts that “Morley’s chock rotates about said axis 20 “to elevate the device controllably to a predetermined height above the deck and to rotate the device about its longitudinal axis.” See Final Office Action dated November 4, 2005 at page 5, paragraph 3.

However, Applicants note that Morley et al. relates to a missile cart which allows an ordnance device, such as a missile, to be rotated about its longitudinal axis in situations where the ordnance device require roll testing prior to launching. See col. 1: 30, 50 and 55 of Morley et al. Notably, there is no indication in Morley et al. that missile cart can be used to erect the rocket engine from the missile cart into an upright launch position. Rather, Morley simply relates to using a missile cart that can be used to elevate the device to a predetermined height above the deck to rotate the device about a longitudinal axis.” See col. 1: 15-17 of Morley et al.

Applicants submit that the ring 16 and the three segmental sections 17 disclosed by Morley et al. are not a “chock,” as required by claim 1. To expedite prosecution of this application, Applicants have amended the claims to highlight a further distinction over the Morely et al. reference. Applicants amend independent claim 1 to recite that the “chock is configured ... to pivot about a rotation axis that is substantially perpendicular to the long axis of the trailer as a second end of the rocket engine is elevated to a position that is substantially perpendicular to the long axis.” Moreover, Applicants submit that the Morley et al. reference fails to teach the concept of a chock that “is configured ... to pivot about a rotation axis that is substantially perpendicular to the long axis of the trailer as a second end of the rocket engine is elevated to a position that is substantially perpendicular to the long axis.,” as required by claim 1.

The only discussion of pivot 20 in Morley et al. indicated that “Pivotally connecting the elevatable frame to the chassis are four crisscrossed lifting members 21 and 22 arranged in pairs pivoted together, as at 20.” See col. 3: 16-21 of Morley et al. There is no indication in Morley et al. that ring 16 is configured to pivot about a pivot 20 “that is substantially perpendicular to

Appl. No. 10/671,372
Reply to Office Action of November 4, 2005

the long axis of the trailer as a second end of the rocket engine is elevated to a position that is substantially perpendicular to the long axis." Nothing indicates that the ring 16 pivots, much less that the ring 16 pivots "about a rotation axis that is substantially perpendicular to the long axis of the trailer as a second end of the rocket engine is elevated to a position that is substantially perpendicular to the long axis." For at least the foregoing reasons, Applicants respectfully submit that the cited reference fails to disclose at least the foregoing recitations of claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the cited references fail to teach or suggest every limitation of claim 1. Because the cited references fail to teach at least the above limitations of claim 1, Applicants respectfully submit that claim 1 is patentable over the cited references. In addition, Applicants respectfully submit that dependent claims 2-6 are separately patentable at least by virtue of their dependency from independent claim 1, and also because claims 2-6 each recite additional limitations which the cited reference fails to teach or suggest. Accordingly, for at least this reason, Applicants submit that claim 1 and its depending claims 2-6 are patentable over the cited reference.

Applicants also amend independent claim 7 to recite that the "chock is configured to accept the rocket engine and to pivot on the trunnion about a rotation axis that is substantially perpendicular to the longitudinal axis of the trailer as a second end of the rocket engine is elevated to a position that is substantially perpendicular to the longitudinal axis," amend independent claim 8 to recite that the "chock is free to rotate about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine as one end of the rocket engine is elevated to a position that is substantially perpendicular to the longitudinal axis," amend independent claim 13 to recite that the "chock rotates about a pivot point on the trolley about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine as one end of the rocket engine is elevated to a position that is substantially perpendicular to the longitudinal axis," amend independent claim 15 to recite that the "chock is configured to accept the object and to pivot about a pivot point on the trolley about a rotation axis that is substantially perpendicular to the longitudinal axis of the trailer as a second end of the object is elevated to a position that is substantially perpendicular to the longitudinal axis," amend independent claim 16 to recite that the "chock is configured to accept the object and to pivot about a rotation axis

Appl. No. 10/671,372

Reply to Office Action of November 4, 2005

that is substantially perpendicular to the longitudinal axis of the trailer as a second end of the object is elevated to a position that is substantially perpendicular to the longitudinal axis," and amend independent claim 17 to recite that the "chock rotates about a pivot point on the trolley about an axis that is substantially perpendicular to the longitudinal axis of the object as one end of the object is elevated to a position that is substantially perpendicular to the longitudinal axis."

For at least the reasons noted above with respect to claim 1, Applicants submit that independent claims 7, 8, 13, 15, 16 and 17 are also patentable. Moreover, Applicants submit that dependent claims 9-12 and 14 are also patentable at least by virtue of their dependency from claims 8 and 13, respectively.

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: November 22, 2005

By: Erin P. Madill
Erin P. Madill
Reg. No. 46, 893
(480) 385-5060